

(1) Twelfth Account and Report of Sole, Surviving Successor Co-Conservator and
 (2) Petition for Issuance of Letters to Surviving Co-Conservator as Sole Conservator
 and (3) Petition for Allowance of Fees to Conservator and Attorney

Age: 57		<p>SYLVIA GONZALEZ, sole remaining Conservator, is Petitioner. (Co-Conservator Guadalupe Pena has passed away.)</p> <p>Account period: 5-1-10 through 4-30-12</p> <p>Accounting: \$237,906.88 / \$236,511.14 Beginning POH: \$188,621.57 Ending POH: \$202,555.53 (\$52,644.21 cash - \$17,317.73 unblocked - plus real and personal property)</p> <p>Conservator: \$1,800.00 (\$15/hr for 120 hours including transportation, household management, shopping, overseeing renovations on the residence, etc.)</p> <p>Attorney: \$2,000.00 (per local rule)</p> <p>Current Bond: \$42,000.00 Although Petitioner calculates that bond should be increased to \$49,143.81 pursuant to the POH and income at the end of this account period, Petitioner requests that the Court not increase the current bond of \$42,000.00. Petitioner states that shortly after this account period, additional expenses were incurred emptying the residence and readying it to become a rental. Additionally, personal property items depreciate in value, and the cemetery lot is included, which doesn't really have a liquid value to justify the requirement of bonding. Petitioner requests that any increase in bond be addressed at the next accounting.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Authorizing issuance of new Letters of Conservatorship naming Petitioner as the sole conservator; 2. Approving, allowing and settling the account; and 3. Authorizing the Conservator's and attorney's fees and commissions 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 2-19-13, 3-19-13, 4-23-13</u></p> <p>Minute Order 3-19-13: Counsel is directed to attempt to balance the account or indicate why she was unable to do so. In addition, counsel to submit a declaration addressing the remaining issues in the examiner notes. Continued to 4-23-13.</p> <p>Minute Order 4-23-13: Counsel advises the Court that she is close to balancing the account.</p> <p>As of 5-9-13, nothing further has been filed. The following issues remain:</p> <ol style="list-style-type: none"> 1. Accounting does not balance. Charges are \$237,906.88 and Credits are \$236,511.14, a difference of \$1,395.74. Need clarification and/or amendment. 2. The dates of the disbursements are cut off on the Disbursement Schedule so it is unclear when the disbursements were made. The Court may require new schedules for Court records. <p><i>(Examiner notes that for the schedules, the Judicial Council forms 400(A-G) are "optional;" however, if the forms were used, this format discrepancy would not have occurred.)</i></p> <p><u>SEE ADDITIONAL PAGES</u></p>	
Cont from: 021913, 031913, 042313				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Notice of Hrg			X
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	2620(c)			
<input type="checkbox"/>	Order			X
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 5-9-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Larssen</p>				

NEEDS/PROBLEMS/COMMENTS (Continued):

3. Disbursements schedule indicates numerous disbursements for gifts to family members during this account period totaling over \$2,000.00 for holidays and events. Pursuant to Cal. Rules of Court 7.1059, a conservator of the estate should Refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure. The Court may require clarification and authorization going forward.
4. The accounting indicates that the Conservatee paid \$1,387.10 for her mother's funeral costs, and also reimbursed another family member \$600.00, for a total of \$1,987.10. The Court may require clarification as to whether the conservatorship paid the entirety of the costs, or whether this was just the Conservatee's portion.
5. Disbursements schedule indicates that the Conservatee receives an allowance from which she pays most of her personal expenses, which appears to range from \$800-\$2,100/month. Since moving in with her daughter in November 2011, she pays her housing costs in addition to contributing toward food and utilities from this allowance. The Court may require clarification of her share of the household expenses for this period, and accounting in future account periods of such expenses.
6. Petitioner indicates that after this account period, the Conservatee's residence in Fresno was being readied to become a rental. The Court may require an update on the status of the residence at this time, since there appears to be five months during this account period after the Conservatee moved out that there was no rental income.
7. Need order.

(1) Sixth Account Current and Report of Conservator and (2) Petition for Allowance of Fees to Conservator and Attorney Fees and for Reimbursement of Costs Advanced and (3) for Request for Improvements to Conservatee's Real Property

Age: 28 years		ESTELA CRUZ , mother/Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Property on hand schedule does not indicate which accounts are blocked and which accounts are not blocked. Therefore unable to determine if bond is sufficient. 2. California Rules of Court, Rule 7.1059(b)(4) states the conservator must manage the funds for the benefit of the conservatee. Disbursement schedule shows purchases totaling \$174.81 from Seventh Avenue Sculptures. Court may require additional information as to how this purchase benefited the conservatee. 3. Disbursement schedule shows disbursements as follows: 11/15/11 – Aero Mexico Travel \$555.30 11/29/11 – Aero Mexico Travel \$160.00 12/21/11 – Aero Mexico Travel 11/22/11 –Cash – Mexico Trip \$1,500.00 - It appears that several trips may have been made and it also appears that two of the trips may have been for only one person. Court may require additional information. Please see additional page
		Account period: 1/1/2011- 12/31/2012	
Cont. from		Accounting - \$2,513,702.99	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$2,122,985.59	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$2,276,788.68 (\$1,756,693.59 is cash)	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Conservator - receives \$2,500.00 per month to care for the conservatee per court order. Conservatee's husband receives \$2,000.00 per month to care for the conservatee, per court order.	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Attorney - \$5,895.00	
<input type="checkbox"/>	Conf. Screen	Attorney costs - \$435.50 (filing fee and copy charge)	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Current bond - \$150,000.00	
<input type="checkbox"/>	Objections	Petitioner request authority to withdraw \$150,000 from the West America Bank account (current balance is \$400,750.63 which is over the FDIC Insurance limits) and deposit \$75,000 each into existing accounts at Murphy Bank and Bank of the Sierra.	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input checked="" type="checkbox"/>	Order	Petitioner states the court approved the sum of \$2,823.80 to build a porch on the conservatee's residence so that the conservatee could access the backyard. However the cost of building the porch was \$3,527.96 (a difference of \$704.16) because the cost of the material and labor were higher when the work was actually done than initially estimated.	
<input type="checkbox"/>	Aff. Posting		
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Reviewed by: KT			
Reviewed on: 5/9/2013			
Updates:			
Recommendation:			
File 2 – Cruz			

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Disbursement schedule shows overdraft payments totaling \$55.00.
5. Disbursement schedule shows a purchase from Babies R Us for clothing on 9/8/2011 in the amount of \$96.52. Need clarification.
6. Disbursement schedule shows a purchase from ABC Porch Supplies on 8/30/11 in the amount of \$681.98. Need clarification.

Petitioner states she would like to make more improvements to the Conservatee's residence in order to enhance the Conservatee's level of care. The Conservatee has assets totaling over 2 million dollars and the property on hand has increased by \$153,803.09 in two years. The conservatee is a quadriplegic with spasticity and cerebral atrophy and requires 24-hour care. Petitioner believes the conservatee's money should be used to make the Conservatee more comfortable and improve his quality of life. At the July 20, 2011 hearing, the Court stated it would be in the best interest of the Conservatee to be located on the first floor of the residence.

However, Petitioner believes that it is in the best interest of the Conservatee to remain in the second floor of the residence. Conservatee needs to be in the master bedroom because he requires many medical supplies. Aside from Conservatee's bed, he has his wheel chair, oxygen pump along with extra oxygen tanks, exercise equipment, hygiene and medical supplies, a manual lift system that allows transfer of the Conservatee, and a mini fridge for his medicine and muscle milk. Petitioner feels that even if they modify the first floor bedroom it would not accommodate all of the Conservatee's medical equipment and supplies.

Conservator is requesting that the Conservatee remain upstairs and requests improvements to the upstairs master bedroom as follows:

- Have a chair lift installed for a total of \$17,995.00. A chair lift would allow the Conservatee to access the upstairs without being carried.

Petitioner requests that she be authorized to withdraw an additional \$20,000.00 from WestAmerica Bank should the Conservatee require emergency medical treatment. Should the funds not be necessary, Conservator will preserve the funds.

Petitioner has been authorized to receive the sum of \$2,500.00 per month for her services as Conservator. Petitioner submits that this sum should continue as ordered.

Petitioner has been authorized to pay the sum of \$2,000 per month to Porcopio Cruz for his services to the Conservatee. Petitioner submits that his sum should continue as ordered.

The sum of \$2,500 per month has been authorized for the use of Conservatee's monthly expenses. In this respect, Conservator submits that during the sixth account, Petitioner's expenses totaled almost \$25,000 more than the authorized amount. Petitioner therefore submits that an additional \$1,000 per month will be sufficient to cover the Conservatee's expenses for a total of \$3,500 per month.

Note: If the petition is granted, status hearings will be set as follows:

- **Friday, June 21, 2013** at 9:00 a.m. in Department 303, for the receipts for blocked accounts.
- **Friday, February 6, 2015** at 9:00 a.m. in Department 303, for the filing of the seventh account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Tuesday, May 14, 2013

(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, for (3) Allowance of Statutory Attorneys Fees, for (4) Proration of Debts Among Creditors and for (5) Final Distribution Under Will (Prob. C. 11002, 10810, 11420, 11640)

DOD: 2-9-08		<p>KELINA ANN WALKER, Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.</p> <p>Account period: 2-9-08 through 1-20-13</p> <p>Accounting: \$264,156.70 Beginning POH: \$260,315.05 Ending POH: \$262,156.70 (real property plus \$12,689.50 cash)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$566.27</p> <p>The value of the decedent's residence has not been included in the statutory fee calculation because it has a negative equity of \$82,829.00.</p> <p>The estate remaining for distribution consists of cash of \$12,122.93. The total amount of creditors' claims is \$108,935.87. Petitioner states the real property was valued at \$250,000.00 on the decedent's date of death. A recent reappraisal shows the value at \$180,000.00. However, the outstanding balance due on the mortgage on said home is \$262,829.41. Therefore, there is no equity in said property whatsoever.</p> <p>Petitioner maintains that the property is not amenable to sale, in that forcing Petitioner to sell the home will not result in any benefit to the estate or the creditors. Instead, Petitioner proposes the Court distribute the real property pursuant to Decedent's will, which devises the entire estate to Petitioner as surviving spouse.</p> <p>Petitioner proposed payment to the creditors as follows:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to Probate Code §13502, Petitioner filed an Election by Surviving Spouse to Administer Surviving Spouse's Community Property in Deceased Spouse's Estate on 10-16-08.</p> <p>Minute Order 4-23-13: The Court indicates to counsel that is satisfied with the sign-off. Matter continued to 5/14/13. Counsel is advised that the Court will be prepared to approve the petition at the next hearing if there are no objections. Continued to: 5/14/13</p> <p>Examiner Notes previously noted:</p> <ol style="list-style-type: none"> 1. Petitioner proposes partial payments to the creditors, but proposes to distribute the real property to herself because there is currently no equity. Petitioner states it would not benefit the estate or the creditors to order the house sold. Need authority. <p>The Court cannot authorize distribution until creditors are satisfied unless each creditor agrees to the proposed distribution. See §§ 11420, 11640.</p> <p>Attorney filed Memorandum of Points and Authorities in Support of Petition on 4-5-13, with the following documents attached:</p> <ul style="list-style-type: none"> - Instruction Letter to Creditors - Declaration of Don Scordino (California licensed Real Estate Broker) <p>See documents for details.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-9-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Walker</p>	
Cont. from 031213, 042313				
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<input checked="" type="checkbox"/>	Letters			7-1-08
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	Citation			
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Petitioner proposes payment to the creditors as follows:

- Capital One Claim #1: \$434.22, plus the first 3.5818% of any other property not now known or discovered, up to the claim amount of \$3,901.85
- Capital One Claim #2: \$438.98, plus the first 3.6211% of any other property not now known or discovered, up to the claim amount of \$3,944.74
- Capital One Claim #3: \$51.69, plus the first .4264% of any other property not now known or discovered, up to the claim amount of \$464.54
- American Express c/o Estate Recoveries Inc: \$4,915.11, plus the first 40.5439% of any other property not now known or discovered, up to the claim amount of \$44,166.85
- Phillips and Cohen Associates: \$1,389.30, plus the first 11.4601% of any other property not now known or discovered, up to the claim amount of \$12,484.17
- Discover Financial Services LLC: \$544.70 plus the first 4.4931 % of any other property not now known or discovered, up to the claim amount of \$4,894.58
- West Asset Management for HSBC Bank: \$480.90, plus the first 3.9676% of any other property not now known or discovered, up to the claim amount of \$4,322.09
- West Asset Management: \$1,338.89, plus the first 11.0443% of any other property not now known or discovered, up to the claim amount of \$12,031.23
- Citibank c/o Phillips and Cohen Associates: \$2,529.05, plus the first 20.8617% of any other property not now known or discovered, up to the claim amount of \$22,725.82.
- Thereafter, any such property not now known or discovered is distributable to Petitioner.

(1) First and Final Report of Administration of Estate by Jane F. Sigler as Administrator, and (2) Petition for Its Settlement, and for (3) Final Distribution on Waiver of Account, and for (4) Approval of Statutory Compensation to Personal Representative and Attorneys' Fee for Ordinary Services (Prob. C. 10810, 10830, 10900, 10951, 10954, 11640, 12200 et seq. Prob. Rule 7.250 & 7.550)

		NEEDS/PROBLEMS/COMMENTS: <u>Continued to June 12, 2013</u> at the request of the attorney.	
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<input type="checkbox"/>	Aff.Sub.Wit.		<input type="checkbox"/>
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<input type="checkbox"/>	Inventory		<input type="checkbox"/>
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<input type="checkbox"/>	UCC/JEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
		Reviewed by: KT	
		Reviewed on: 5/9/2013	
		Updates:	
		Recommendation:	
		File 4 – Gregory	

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement, for (3) Allowance of Statutory Fees and Commissions and for (4) Final Distribution (Prob. C. 11002, 10810, 10800, 11640)

DOD: 5/11/2011		BEATRICE PRIETO , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 5/11/2011- 3/25/2013	
Cont. from		Accounting - \$100,750.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$ 85,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 76,914.20	
<input checked="" type="checkbox"/>	Inventory	Administrator (statutory) - \$3,430.00	
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$3,430.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/O Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Beatrice Prieto - \$14,010.84	
<input type="checkbox"/>	Pers.Serv.	Vanessa Rodriguez - \$14,010.84	
<input type="checkbox"/>	Conf. Screen	Olga Rodriguez - \$14,010.84	
<input checked="" type="checkbox"/>	Letters	Rosann Rodriguez - \$14,010.84	
	12/12/11	Gregory Rodriguez - \$14,010.84	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
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			Reviewed by: KT
			Reviewed on: 5/9/2013
			Updates:
			Recommendation: SUBMITTED
			File 5 – Rodriguez

**Petition for Court Establishment of Special Needs Trust- First Party Special Needs
Trust for Litigation Proceeds**

Age: 8	MICHAELA LOZANO , by and through her Guardian ad Litem MELISSA LOZANO , is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGES</u> Note: Upcoming hearing re compromise in 13CECG00526 is 6-11-13 Dept. 402.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
✓	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Petitioner states: The minor is disabled due to Dravet Syndrome, a childhood epilepsy syndrome caused by a genetic mutation which results in debilitating seizures. She is a Medi-Cal recipient. A claim was brought against Clovis Unified School District and Supplemental Health Care for an incident that occurred on 10-20-11 (description attached). The claim has been settled prior to filing formal litigation and a petition to compromise is currently pending in related case 13CECG00526. The minor will receive approx. \$123,224.30 after allowing for fees and expenses from the settlement, which if provided directly to the minor would eliminate her Medi-Cal eligibility. Therefore, Petitioner seeks an order that the assets from the settlement be paid directly to the trustee of the Michaela Dawn Lozano Special Needs Trust, which is authorized under Probate Code §§ 3602-3613, and an order that Melissa Lozano, mother and proposed GAL, and Donald Lozano, father, are authorized to sign the proposed trust as grantors.</p> <p>The proposed SNT (attached) meets the requirements of 42 <i>United States Code</i> 1396(d)(4)(A) and provides for Medi-Cal reimbursement. Petitioner states the proposed beneficiary meets all requirements for creation of the proposed SNT.</p> <p>Petitioner also requests that the investment standard set forth in Probate Code §2574(a) be modified so that the trustee has the authority to purchase mutual funds and US Government bonds with maturity dates later than five years.</p> <p>Petitioner requests that Melissa Lozano and Donald Lozano (parents) be appointed as initial co-trustees with bond of \$126,921 based on trust assets plus one years' annual income estimated at 3% \$3,696.73.</p> <p>Petitioner requests to pay Attorney Miller \$1,750 for preparation of this special needs trust, plus \$535 in costs, including filing fees and \$100 in attorney service charges from an outside agency.</p>	
		<u>SEE ADDITIONAL PAGES</u>	
			Reviewed by: skc Reviewed on: 5-10-13 Updates: Recommendation: File 6 – Lozano

Examiner notes certain features of the SNT (Attachment 5) as follows:

- Initial Trustees: Melissa Lozano and Donald Lozano (parents)
- Successor Trustee: Michael Kenney (grandfather)
- Alternate Successor Trustee: Judith Kenney (grandmother)
- Trust Protector: Larry Balakian, with right to appoint Successor Trust Protector and right to remove and appoint trustees, with Court confirmation, right to add or modify trust terms (Court confirmation not required), no duty to monitor administration or exercise authority, etc.
- Trustee to have investment powers as requested herein, authority to purchase residence (Court authorization not required).
- See SNT for additional details.

Petitioner prays that the Court make the following findings and Order:

1. That all notices have been given as required by law;
2. That the Court establish the *Michaela Dawn Lozano Special Needs Trust* and that Melissa Lozano and Donald Lozano are directed to execute it;
3. That the Court has continuing jurisdiction over the *Michaela Dawn Lozano Special Needs Trust*;
4. That Melissa Lozano and Donald Lozano shall serve as the initial Trustees of the *Michaela Dawn Lozano Special Needs Trust* with bond set at \$126,921.03;
5. That Michaela Lozano has a disability that substantially impairs her ability to provide for her own care or custody and constitutes a substantial handicap;
6. That Michaela Lozano is likely to have special needs that will not be met without the trust;
7. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet Michaela Lozano's special needs;
8. That the payment of all monies due Petitioner in the claim, *Michaela Lozano, by and through her Guardian ad Litem, Melissa Lozano v. Clovis Unified School District and Supplemental Health Care* shall be paid to the trustee of the Special Needs Trust after payment of fees;
9. That any proceeds of the settlement award received by Petitioner's attorney before the hearing of this Petition and deposited in attorney's attorney/client trust account shall not be considered received by Michaela Lozano for public benefit eligibility purposes;
10. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Michaela Lozano for Michaela Lozano's financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
11. That the trustee provide the Court with a biennial account and report of the *Michaela Dawn Lozano Special Needs Trust* beginning with the period 1 year after the date the Court approves the establishment of the trust and every 2 years thereafter;
12. That the trustee is authorized to invest in mutual funds and in US government bonds with maturity dates later than five years;
13. That the Court approve and direct payment of \$1,750.00 to attorney Jennifer A. Miller for legal services rendered and \$535.00 for out of pocket expenses; and
14. That such other and further orders be issued by the Court as it may deem just and proper.

Page 3

NEEDS/PROBLEMS/COMMENTS:

1. Appointment as Guardian ad Litem is specific to the matter before the Court. Therefore, need Petition and Order for Guardian Ad Litem – Probate (DE-350/GC-100 and DE-351/GC-101).
2. Petitioner did not use the *mandatory* Judicial Council form Notice of Hearing GC-020. Continuance may be required for proper notice pursuant to Probate Code §1211. (See also below re notice to additional named persons.)
3. Bond calculation should include 10% cost of recovery pursuant to Cal. Rules of Court 7.207. Examiner calculates bond at \$140,379.50.
4. The trust names Larry Balakian as the “*Trust Protector*,” who may be entitled to compensation and appears to serve as an alternate trustee and hold additional authority. The Court may require clarification as to this person’s role and anticipated compensation – relationship, qualifications, duties, rates, access, authority, etc. Note: *Please see descriptions in trust document.*
5. The Court may require clarification regarding compensation payable to the Trust Protector for professional services as opposed to regular services without prior Court authorization with reference to Cal. Rules of Court 7.903(c)(8).
6. Need consent to serve from Mr. Balakian, and from Michael Kenney and Judith Kenney, named Successor Trustees.
7. The Court may require proof of service of Notice of Hearing on Mr. Balakian and Mr. and Mrs. Kenney.
8. The Court may require clarification as to good cause regarding the request to invest in mutual funds and government bonds with maturity dates later than five years. Cal. Rules of Court 7.903(c)(4).
9. Attorney Miller states her hourly rate is \$300 and she has spent 10 hours drafting and consulting with the clients in preparation of this special needs trust. Her charge is \$1,750. However, the Court may require itemization per Cal. Rules of Court 7.751, 7.702.
10. Attorney Miller also requests reimbursement of \$100 for attorney service charges. Per Local Rule 7.17, this is considered a cost of doing business and not reimbursable.
11. The trust does not appear to be in compliance with Cal. Rules of Court 7.903(c)(2) in that Article Five provides the Trust Protector power to amend without court approval.
12. Article Eight, Section 5 gives the trustee the power to purchase a residence. The Court may require additional language requiring prior authorization for major purchases including real property, vehicles, equipment, etc., to ensure proper title or lien, inventory as trust asset, etc.
13. Need order per Local Rule 7.6.1.

Note: Further review may be required based on how the above issues are addressed.

Note: If granted, the Court will set status hearings as follows:

- Friday 7-19-13 for filing proof of bond in the amount of 140,379.50
- Friday 9-20-13 for filing Inventory and Appraisal
- Friday 9-19-14 for filing the first account

If the requisite items are filed appropriately, these status hearing dates may be taken off calendar.

DOD: 02/06/2013	DAVE DREW , nephew is petitioner and requests appointment as Administrator with bond set at \$230,000.00.	NEEDS/PROBLEMS/COMMENTS:
		1. Need date of death of the decedent's parents per Local Rule 7.1.1(D).
Cont. from	Petitioner is a resident of Royse City, Texas.	<p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 06/14/2013 at 9:00a.m. in Dept. 303 for the filing of the Bond <u>and</u> • Friday, 10/18/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 07/18/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Estimated Value of the Estate: Personal property \$229,618.39	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/09/2013
		Updates:
		Recommendation:
		File 7 – Drzewiecki

Petition for Termination of Guardianship

Isaac age: 13	<p>MARIA TRINIDAD ARREDONDO, maternal grandmother, is petitioner.</p> <p>ESPERANZA GONZALEZ, paternal grandmother and BELEN GONZALEZ, paternal step-grandfather, were appointed guardians on 3/5/2011.</p> <p>Father: ISAAC CERDA</p> <p>Mother: EUGENIA PALACIO ARREDONDO</p> <p>Paternal grandfather: Not listed Maternal grandfather: Not listed</p> <p>Petitioner does not state why it would be in the best interest of the child for the guardianship to terminate.</p> <p>Court Investigator Samantha Henson's Report filed on 5/9/2013</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. (Note: Notice of Hearing filed on 5/2/13 was only for the Petition to Appoint a Guardian) 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ul style="list-style-type: none"> a. Isaac Cerda (father) b. Eugenia Arredondo (mother) c. Isaac Cerdon (minor) d. Esperanza Gonzalez (guardian) e. Belen Gonzalez (guardian) f. Paternal grandfather g. Maternal Grandfather 	
Marcus age: 11			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			X
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 5/10/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8A – Cerda & Aguirre</p>			

8A

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Isaac age: 13	MARIA TRINIDAD ARREDONDO , maternal grandmother, is petitioner.		NEEDS/PROBLEMS/COMMENTS: 3. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: h. Isaac Cerda (father) i. Isaac Cerdon (minor) j. Belen Gonzalez (guardian) 4. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandfather b. Maternal Grandfather
Marcus age: 11	ESPERANZA GONZALEZ , paternal grandmother and BELEN GONZALEZ , paternal step-grandfather, were appointed guardians on 3/5/2011. Esperanza Gonzalez was personally served on 4/24/13.		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified		Father: ISAAC CERDA	
<input type="checkbox"/> Inventory		Mother: EUGENIA PALACIO ARREDONDO – personally served on 4/24/13.	
<input type="checkbox"/> PTC		Paternal grandfather: Not listed Maternal grandfather: Not listed	
<input type="checkbox"/> Not.Cred.		Petitioner does not state why it would be in the best interest of the child for the guardianship to terminate.	
<input checked="" type="checkbox"/> Notice of Hrg		Court Investigator Samantha Henson's Report filed on 5/9/2013	
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	W/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: KT Reviewed on: 5/10/13 Updates: Recommendation: File 8B – Cerda & Aguirre

8B

Jaden Age: 7		<p align="center">GENERAL HEARING 07/02/2013</p> <p>DONALD ERICKSON, paternal step-grandfather, and TERESA ERICKSON, paternal grandmother are petitioners.</p> <p>Father: BRANDON MITCHELL JEWETT, personally served on 05/07/2013</p> <p>Mother: MARIA M. MARTINEZ</p> <p>Paternal Grandfather: Not Listed</p> <p>Maternal Grandparents: Unknown</p> <p>Petitioners state: the parents of the children are both known methamphetamine users and the father also abuses alcohol. Petitioner's allege that the father was recently arrested for possession and being under the influence of an illegal substance and a hearing date was scheduled for 04/18/2013. The mother leaves the children unattended or in the custody of the maternal grandmother. Petitioners state that the home that the children reside in is extremely filthy, and when they pick the children up they stink. Two of the children have severe dental issues, one has a severe speech impediment and possibly a hearing disorder that the petitioners state the parents have neglected. The children have witnessed the parents fighting and have seen their father being arrested. Petitioners allege that the mother is receiving governmental assistance for the three children despite the fact that their father earns a very good living and provides financially for the children.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waive of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Brandon Mitchell Jewett (Father) <p>Note: A proof of personal service was filed for the father on 05/07/2013 however the mandatory Notice of Hearing does not appear to have been served pursuant to Probate Code §2250.</p> <ul style="list-style-type: none"> • Maria M. Martinez (Mother) 3. Need Order. 4. Need Letters. 5. Need Duties and Liabilities. <p>Note: In regards to the Indian Child Inquiry the Petition states that the mother has refused to discuss her parentage and it is unknown as to whether or not the mother's parents are married and if they are from the United States or from Mexico. If it is discovered that the children have Native American ancestry the Notice of Child Custody Proceeding for Indian Child (Form ICWA-030), must be served together with copies of the petition and all attachments; on the child's parents, any Indian custodian; any Indian Tribe that may have a connection to the child; the Bureau of India Affairs, and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested.</p>	
Tristin Age: 6				
Emily Age: 3				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
	Letters			x
	Duties/Supp			x
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: LV</p> <p>Reviewed on: 05/10/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Jewett</p>				

Atty Drobny, Mark S.; Foehr, Emily A., of Drobny Law Offices, Sacramento (for Joseph E. Anderson, Executor)

(1) First and Final Report and Account of Executor and Petition for its Settlement, (2) for Allowance of Executor Compensation, (3) for Allowance of Statutory Attorney Fees and Costs and (4) for Final Distribution

DOD: 6/15/2012		JOSEPH E. ANDERSON , Executor and President of the American Baptist Homes of the West Foundation (aka ABHOW), is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Judge Oliver recused himself in this matter pursuant to CCP 170.1. The matter will be heard at 8:30 a.m. in Department 71.
		Account period: 6/15/2012 – 3/31/2013	
Cont. from		Accounting - \$2,803,660.07	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$2,692,991.15	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$2,513,496.96	
<input checked="" type="checkbox"/>	Inventory	(\$1,379,249.90 cash)	
<input checked="" type="checkbox"/>	PTC	Executor - \$40,604.40	
<input checked="" type="checkbox"/>	Not.Cred.	(statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$40,604.40	
<input checked="" type="checkbox"/>	Aff.Mail	(statutory)	
	Aff.Pub.		
	Sp.Ntc.	Costs - \$1,547.26	
	Pers.Serv.	(filing fees, publication, certified copies, Federal Express shipping fees, attorney services fees, CourtCall fees;)	
	Conf. Screen		
	Letters	080112	
	Duties/Supp	Petitioner states:	
	Objections	<ul style="list-style-type: none"> Decedent had not filed her state or federal income tax returns for the years 2010, 2011 and 2012; Petitioner has paid a total of \$176,032.00 in income taxes (please refer to Schedule D, Disbursements); all California and Federal Income taxes due and payable by the Estate are adequately secured; Petitioner is seeking to obtain a waiver of penalty charges from the IRS, and if successful, any refund of the penalties will be distributed to the beneficiaries in a pro-rata manner as discussed in the <i>Petition</i>; 	
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		~Please see additional page~	
			Reviewed by: LEG
			Reviewed on: 5/9/13
			Updates:
			Recommendation:
			File 1 – Kremen

Petitioner states in the *Supplement to Petition for Final Distribution Stipulated to by Estate Beneficiaries*, signed by all parties and their attorneys, filed 5/3/2013:

- The bequests in Decedent's Will provided for a specific distribution of her assets amongst her beneficiaries; in particular, the **BENJAMIN AND MARION KREMEN SCHOOL OF EDUCATION AND HUMAN DEVELOPMENT AT CALIFORNIA STATE UNIVERSITY, FRESNO** was named to receive the cash and securities held in Charles Schwab account, and the cash held in the Educational Employees Credit Union account;
- All parties agree that the **BENJAMIN AND MARION KREMEN SCHOOL OF EDUCATION AND HUMAN DEVELOPMENT AT CALIFORNIA STATE UNIVERSITY, FRESNO** is to receive the non-cash assets identified in the *Petition*, and based on the assets on hand as of 3/31/2013, cash in the amount of **\$1,147,324.60** less deductions for a **90%** pro-rata share of the expenses of statutory Executor compensation, statutory Attorney compensation, and costs advanced by Petitioner's attorneys;
- All parties agree that all further receipts and disbursement transactions occurring after 3/31/2013, will be allocated between the estate beneficiaries as *[per paragraphs 5(a) through 5(f)] of the signed Stipulation*;
- All parties agree that the funds endowed to the **BENJAMIN AND MARION KREMEN SCHOOL OF EDUCATION AND HUMAN DEVELOPMENT AT CALIFORNIA STATE UNIVERSITY, FRESNO** under the Decedent's Will are to be administered based on the terms and understandings *[set forth in paragraphs 6(a) through 6(b), which substantially mirror terms of the Decedent's Will]*;
- It is the practice of California State University, Fresno, to direct donors and Decedent's estates to distribute gifts benefitting Fresno State to the California State University, Fresno Foundation ("Foundation"), which is a nonprofit, tax-exempt public benefit corporation that invests, manages and administers gifts benefitting Fresno State; accordingly, all assets bequeathed in Decedent's Will to the **BENJAMIN AND MARION KREMEN SCHOOL OF EDUCATION AND HUMAN DEVELOPMENT AT CALIFORNIA STATE UNIVERSITY, FRESNO** shall be distributed to the Foundation, to be managed and invested in accordance with the practices, policies and procedures of Foundation *(please refer to Attachment 22 for Foundation Pooled Endowment Fund Policies and Practices)*.

Petitioner states distribution pursuant to Decedent's Will, and to the *Supplement to Petition for Final Distribution Stipulated to by Estate Beneficiaries* filed 5/3/2013, is to

- **THE BENJAMIN AND MARION KREMEN SCHOOL OF EDUCATION AND HUMAN DEVELOPMENT AT CALIFORNIA STATE UNIVERSITY, FRESNO** – shares of stock, bonds, and cash of **\$1,147,324.60** less deductions for a **90%** pro-rata share of the expenses of statutory Executor compensation, statutory Attorney compensation, and costs advanced by Petitioner's attorneys.
- **AMERICAN BAPTIST HOMES OF THE WEST (ABHOW)** – the entire residue of the estate, all personal property from Decedent's residence and storage locker as itemized at Attachment 21 *[see Note #1 of Needs/Problems/Comments, below]*, and cash of **\$231,925.30** less deductions for a **10%** pro-rata share of the expenses of statutory Executor compensation, statutory Attorney compensation, and costs advanced by Petitioner's attorneys.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Petition* states the *Beginning Assets, Schedule A, Property on Hand* as of 6/15/2012 value of **\$2,692,991.15** does not match the *Corrected Final Inventory and Appraisal* filed 3/20/2013 showing an estate value of **\$2,697,845.20**, because the **\$4,854.05** difference between these values represents the interest that has been reported by transactions in the accounting schedules as it was received, rather than as beginning property on hand.

Note: Local Rule 7.17(C)(2) provides that requests for reimbursement of allowable costs such as use of alternative delivery services (i.e. Federal Express) are subject to the Court's discretion; *Petition* requests **\$108.51** in Federal Express shipping fees, which the Court may allow in its discretion. Additionally, Local Rule 7.17(B)(5) provides costs for runner services are considered by the Court to be part of the cost of doing business and are not reimbursable; *Petition* requests the sum of **\$488.75** for what appears to be runner services (Attorneys Diversified Services and Cliff Webb Attorney Services), which if confirmed by the Attorney to be costs for runner services, are not reimbursable costs and should be deducted from the Attorney's request for cost reimbursement.

Note: Proposed order violates Local Rule 7.6.1(B) prohibiting riders or exhibits from being attached to any order, and violates Local Rule 7.6.1(F) which requires that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed. However, proposed order includes on page 6 following the signature line a box captioned "Signature Follows Last Exhibit." Examiner has marked that box, and included hand-written lines for date and signature on the last page of Exhibit B. (*Petitioner may choose to revise the proposed order to reflect these handwritten changes, while addressing Note #1 below.*)

1. Paragraph 4 on page 5 of the proposed order makes reference to distribution of personal property itemized on Attachment 21 to the *Petition*, which violates Local Rule 7.6.1(D) requiring that Probate orders shall be drawn so that their general effect may be determined without reference to the petition on which they are based. Need revised proposed order that includes as part of the distribution the entire list of personal property as itemized on Attachment 21 to the *Petition* and on Exhibit "A" to Attachment 2 to the *Corrected Final Inventory and Appraisal* filed 3/20/2013.